



#3

Applicant or Patentee: J. Donson et al.  
Patent No.: 07/923,692  
Filed: July 21, 1992  
Issued: July 21, 1992  
RECOMBINANT PLANT VIRAL NUCLEIC ACIDS

Attorney's  
Docket No.: BIOG-20121 USA

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) - SMALL BUSINESS CONCERN**

I hereby declare that I am  
☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN BIOSOURCE GENETICS CORPORATION  
ADDRESS OF CONCERN 3333 Vece Valley Parkway, Veceville, CA 95688

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled RECOMBINANT PLANT VIRAL NUCLEIC ACIDS by inventor(s) J. DONSON et al. described in

☐ the specification filed herewith  
☒ application serial no. 07/923,692, filed July 21, 1992.  
☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named inventor, small business concern or organization having rights to the invention availing to their status as small entities. (37 CFR 1.27).

NAME THE REGENTS OF THE UNIVERSITY OF CALIFORNIA  
ADDRESS 300 Lakeside Drive, 22nd Floor, Oakland, CA 94612-3550  
☐ Individual ☐ Small Business Concern ☒ Nonprofit Organization

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

**CERTIFICATE OF MAILING**  
I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Service" Label 98928 757 83003, postage paid, in an envelope, addressed to: Commissioner of Patents and Trademarks, Washington, DC 20231 on October 26, 1992.  
LIMBACH & LIMBACH

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying the fee for such change, no later than the first anniversary of the date of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING David R. McGee  
TITLE OF PERSON OTHER THAN OWNER Vice President, Operations  
ADDRESS OF PERSON SIGNING 1990 Marshall Road  
Vacaville, CA 95687

SIGNATURE David R. McGee DATE 10/6/92

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

NAME BIOSOURCE GENETICS CORPORATION

ADDRESS 3333 Vaca Valley Parkway  
Vacaville, CA 95688

☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

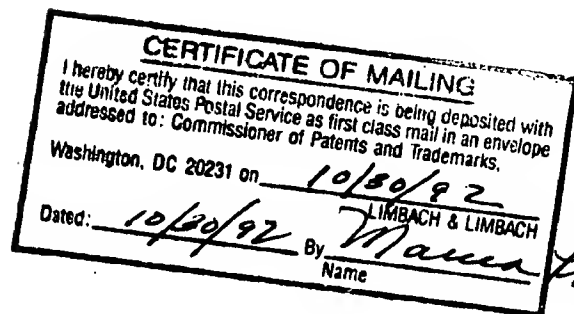
NAME OF PERSON SIGNING Candace L. Voelker

TITLE IN ORGANIZATION Licensing Manager, Office of Technology Transfer

ADDRESS OF PERSON SIGNING 300 Lakeside Drive, 22nd Floor  
Oakland, CA 94612-3550

SIGNATURE Candace L. Voelker Date October 26, 1992

UC Case No.: 90-291-2



(Small Entity-Nonprofit [7-3]—page 2 of 2)



#4

Atty. Docket No. BIOG-20121 USA

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of )  
JON DONSON, et al. ) Group Art Unit:  
Serial No. 07/923,692 )  
Filed: July 31, 1992 ) POWER OF ATTORNEY  
For: RECOMBINANT PLANT ) BY ASSIGNEE  
VIRAL NUCLEIC ACIDS )

Honorable Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

BIOSOURCE GENETICS CORPORATION, assignee of the above-identified application by assignment dated 9/24 & 10/5 1992, hereby appoints the members of the firm of LIMBACH & LIMBACH, a firm composed of Karl A. Limbach, P.C. (Reg. No. 18,689); Georga C. Limbach, P.C. (Reg. No. 19,305); John K. Uilkema, P.C. (Reg. No. 20,282); J. William Wigert, Jr., P.C. (Reg. No. 24,582); Philip M. Shaw, Jr., P.C. (Reg. No. 25,376); Nail A. Smith, P.C. (Reg. No. 25,441); Carrie L. Walther (Reg. No. 27,755); Varonica C. Devitt (Reg. No. 29,375); Ronald L. Yin (Reg. No. 27,607); Albart P. Halluin (Reg. No. 25,227); Gerald T. Sekimura (Reg. No. 30,103); Michael A. Stallman (Reg. No. 29,444); Philip A. Girard (Reg. No. 28,848); Michael J. Pollock (Reg. No. 29,098); Michael E. Dergosits (Reg. No. 31,243); Stephan M. Everett (Reg. No. 30,050); Alfrad A. Equitz (Reg. No. 30,922); W. Patrick Bengtsson (Reg. No. 32,456); Richard A. Nebb (Reg. No. 33,540); Mark A. Dalla Valla (Reg. No. 34,147); Ian Hardcastle (Reg. No. 34,075); Todd A. Noah (Reg. No. 35,626); Richard E. Wawrzyniak (Reg. No. P36,048); Alan D. Minsk (Reg. No. P35,956); Mark C. Pickering (Reg. No. P36,239); Douglas C. Limbach (Reg. No. 35,249) and J. Thomas McCarthy (Reg. No. 22,420), 2001 Farry Building, San Francisco, CA 94111, (415) 433-4150, FAX (415) 433-8716, as its attorneys with full power of substitution to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith.

Please direct all correspondence regarding this application to the following:

LIMBACH & LIMBACH  
Attn: Albart P. Halluin  
2001 Farry Building  
San Francisco, CA 94111

Telephone: (415) 433-4150  
Facsimile: (415) 433-8716

Dated: 10/5, 1992.**CERTIFICATE OF MAILING**

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Dated: 10/6/92 By: David R. McGee  
Name

BIOSOURCE GENETICS CORPORATION

By: David R. McGee  
Name: David R. McGee  
Title: Vice President

Full name of third joint inventor, if any, George L. GRANTHAN  
Inventor's signature George L. Grantham 9/24/92  
Date  
Residence 1196 La Mesita Court, Riverside, CA 92507  
Citizenship United States  
Post Office Address 1196 La Mesita Court, Riverside, CA 92507

Full name of fourth joint inventor, if any, Thomas H. TURPEN  
Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence 319 Woodcrest Drive, Vacaville, CA 95688  
Citizenship United States  
Post Office Address 319 Woodcrest Drive, Vacaville, CA 95688

Full name of fifth joint inventor, if any, Ann Myers TURPEN  
Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence 319 Woodcrest Drive, Vacaville, CA 95688  
Citizenship United States  
Post Office Address 319 Woodcrest Drive, Vacaville, CA 95688

Full name of sixth joint inventor, if any, Stephen J. GARGER  
Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence 593 Cottonwood Street, Vacaville, CA 95688  
Citizenship United States  
Post Office Address 593 Cottonwood Street, Vacaville, CA 95688

Full name of seventh joint inventor, if any, Laurence K. GRILL  
Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence 3570 Cantelow Road, Vacaville, CA 95688  
Citizenship United States  
Post Office Address 3570 Cantelow Road, Vacaville, CA 95688

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LIMBACH & LIMBACH  
Dated: 10/26/92 By Wanda Gurd  
Name

Full name of third joint inventor, if any, George L. GRANTHAN

Inventor's signature CA Date

Residence 1196 Le Mesite Court, Riverside, CA 92507

Citizenship United States

Post Office Address 1196 Le Mesite Court, Riverside, CA 92507

Full name of fourth joint inventor, if any, Thomes H. TURPEN

Inventor's signature CA 10/5/92  
Date

Residence 319 Woodcrest Drive, Veceville, CA 95688

Citizenship United States

Post Office Address 319 Woodcrest Drive, Veceville, CA 95688

Full name of fifth joint inventor, if any, Ann Myers TURPEN

Inventor's signature Ann M. Turpen 10/6/92  
Date

Residence 319 Woodcrest Drive, Vecaville, CA 95688

Citizenship United States CA

Post Office Address 319 Woodcrest Drive, Vaceville, CA 95688

Full name of sixth joint inventor, if any, Stephen J. GARGER

Inventor's signature Stephen J. Garger 10-5-92  
Date

Residence 593 Cottonwood Street, Vacsville, CA 95688

Citizenship United States CA

Post Office Address 593 Cottonwood Street, Vaceville, CA 95688

Full name of seventh joint inventor, if any, Leurence K. GRILL

Inventor's signature Leurence K. Grill 10-5-92  
Date

Residence 3570 Centelow Road, Vaceville, CA 95688

Citizenship United States CA

Post Office Address 3570 Centelow Road, Vacaville, CA 95688